

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>GREAT LAKES CRUSHING, LTD.,</b>	)	<b>CASE NO. 1:08CV1277</b>
	)	
<b>Plaintiff,</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>SAMCO, INC., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**CHRISTOPHER A. BOYKO, J.:**

This matter comes before the Court upon the Notice of Removal (ECF DKT #1) filed by Defendants, Samco, Inc., Ohio River Works Real Estate, LLC, and Timothy Gleason. In their removal petition, Defendants represent the captioned civil action, originally filed in Ashtabula County Common Pleas Court, is being removed “so that the District Court may refer this action to the United States Bankruptcy Court for the Northern District of Ohio, pursuant to 28 U.S.C. § 157.” It is alleged that Carl Schloss, the Debtor in Case No. 05-17408, assigned stock options to Plaintiff, Great Lakes Crushing, Ltd. on May 25, 2005, approximately ten months prior to the filing of his Chapter 7 Voluntary Petition. Further, it is alleged Schloss did not disclose the stock options in his bankruptcy petition; and, thus, he and Plaintiff may have acted in violation

of the United States Bankruptcy Code. Defendants further contend the adjudication of these violations are core proceedings, under 28 U.S.C. § 157.

Since case law out of the Sixth Circuit would authorize filing the Notice of Removal directly with the Clerk of the Bankruptcy Court, there is no need for this Court to entertain pleadings, or set a case management conference, or a discovery schedule. *In re Hendersonville Condominium Homes, Inc. v. Contractors Performance Corp.*, 84 B.R. 510 (M.D. Tenn. 1988); *In re Aztec Industries Inc. v. The Standard Oil Company*, 84 B.R. 464 (N.D. Ohio, W.Div. 1987).

Therefore, Defendants shall file an application for an order of reference to the United States Bankruptcy Court for the Northern District of Ohio, with brief arguments and supporting authority, by June 13, 2008. Plaintiff shall file an opposition brief by June 27, 2008. Any reply brief shall be filed by July 7, 2008.

**IT IS SO ORDERED.**

**DATE: May 30, 2008**

s/Christopher A. Boyko  
**CHRISTOPHER A. BOYKO**  
**United States District Judge**